

9432.1986(08)

April 30 1986

MEMORANDUM

SUBJECT: Standards Applicable to Pipelines

FROM: Marcia Williams, Director, Office of Solid Waste

TO: Barry Seraydarian, Director, Toxics and Waste  
Management Division (T-1)

This is a follow-up to my interim response of March 19 (attached) concerning standards applicable to transportation by pipeline.

Since my interim response, Carolyn Barley has been in contact with Mostafa Badmand of your staff to discuss the questions you raised in your memorandum of February 21. Specifically, you ask whether transportation of hazardous waste by pipeline is acceptable under RCRA when the definition of transportation contained in 40 CFR 260.10 includes only "the movement of hazardous waste by air, rail, highway, or water."

The fact that the definition of transportation does not include pipeline as a mode for the transportation of hazardous waste does not mean that hazardous wastes via pipeline is not acceptable under RCRA. Rather, because the definition of transportation does not include pipeline transport, the provisions of 40 CFR §263 do not apply to the transportation of hazardous waste by pipeline.

While the §263 regulations do not apply to the transport of hazardous waste by pipeline, there are other provisions under RCRA and CERCLA which may apply. For example, a release of hazardous waste from a pipeline which is not immediately cleaned up could constitute an imminent and substantial endangerment to health or the environment under RCRA §7006, and, therefore, be subject to a §7003 action. Such a release may also be reportable under §103(a) of cercla. The generator or owner/operator of the pipeline could be liable under §107 of CERCLA for clean-up costs and damages to natural resources, and may also be subject to a §106 administrative order to clean up the release.

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If you have other concerns or questions regarding transportation by pipeline, please call Carolyn Barley on 8-382-2217.

Attachment

cc: Nostafa Radmand

cc: OSW  
PSPD